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## Press Release

—For Immediate Release—

### **Maine State Court System Launches Business and Consumer Court**

The Maine Supreme Judicial Court announced today that it has formed a Business and Consumer Docket (BCD) to provide Maine's business community and its consumers with prompt and consistent access to justice. The BCD, also known as the Business and Consumer Court, will review cases that relate to the operations and governance of businesses as well as consumer rights cases pertaining to transactions and dealings with business entities. With bipartisan support, members of the 122nd Maine Legislature and Governor Baldacci allocated resources necessary for the Judicial Branch to establish the BCD. The Business and Consumer Court began its operations on June 1 with Chief Justice Thomas E. Humphrey and Chief Judge John C. Nivison serving as its first judges.

According to Chief Justice Leigh I. Saufley of the Maine Supreme Judicial Court, the Business and Consumer Court is intended to improve the management and resolution of business and consumer civil cases. As a result of the BCD procedures, involved parties can expect more certainty in the scheduling of pretrial conferences and the date of trial, and a clear understanding of the court's expectations for pretrial and trial processes. An additional long-term goal is for the Business and Consumer Court to create a body of case law precedent so that potential litigants and their lawyers can predict the likely outcome of their cases. It is hoped that such precedent will allow businesses and consumers to have a better understanding of the law thus encouraging them to settle their cases before actually filing lawsuits.

In preparation for the establishment of the BCD, Saufley convened an advisory committee, including members of all three branches of state government, as well as the Attorney General's Office. In addition, a university professor, a Maine State Bar Association representative, business people, consumer representatives, trial judges, and attorneys with experience in complex, intermediate, and basic business litigation served as members. The committee met several times throughout 2006 to consider the criteria for inclusion of particular case types, and the mechanisms by which cases become a part of the BCD and related dockets. The committee provided input into an Administrative Order, JB-07-01, which established the BCD and set forth pilot procedural rules. The committee will continue to assist the Court in assuring that the BCD is responsive to the public's needs.

In response to questions about the development of this new service for the public, Chief Justice Saufley said, "I am impressed by the willingness of the busy professionals who gave of their time and expertise to assist the state court system in developing a new docket by serving as members of the Advisory Committee; and grateful for work of the Legislature and the dedication of the Business and Consumer Court judges whose efforts will allow more expeditious resolution of business and consumer cases, and, by extension, other matters pending in the state courts."

### **More about cases reviewed by the Business and Consumer Court:**

Under the terms of the Administrative Order, new and pending jury and nonjury civil cases, and family actions that do not involve children, may be considered for transfer to the BCD if:

- (a) the principal claim or claims involve matters of significance to the transactions, operations or governance of a business entity and/or the rights of a consumer arising out of transactions or other dealings with a business entity, and
- (b) the case requires specialized and differentiated judicial management.

Once a party or an attorney applies for transfer or a judge recommends a case for transfer, the application and any objections filed will be considered by a Business and Consumer Court judge the judge determines that the case is appropriate for inclusion on the BCD, the judge will

order the matter transferred from the court where the case was filed or is pending. If the case is not accepted for transfer, it will remain on the civil docket in the court of filing. Cases transferred to the BCD will be subject to individualized case management and firm deadlines.

The entire Administrative Order and incorporated procedural rules can be found at [www.courts.state.me.us/opinions/admin\\_orders.html](http://www.courts.state.me.us/opinions/admin_orders.html).

Forms including an application to transfer a case to the BCD, can be found at [www.courts.state.me.us/rules\\_forms\\_fees/pub\\_forms.html#forms](http://www.courts.state.me.us/rules_forms_fees/pub_forms.html#forms).

For more information, please visit the Business and Consumer Court webpages at: [www.courts.state.me.us/mainecourts/bcd/index.html](http://www.courts.state.me.us/mainecourts/bcd/index.html) To view a complete list of BCD Advisory Committee members, visit [www.courts.state.me.us/committees/index.html](http://www.courts.state.me.us/committees/index.html). If you have comments or suggestions regarding the BCD, you may contact the administrators of the Business and Consumer Court and the Business and Consumer Docket Advisory Committee through e-mail: [BCD@maine.gov](mailto:BCD@maine.gov).